

11-25-2018

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Uum Humairoh
Islamic State University, umhumairoh@gmail.com

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Recommended Citation

Humairoh, Uum (2018) "RESPECT THE NON INTERVENTION, DISRESPECT THE HUMANITY," *Journal of Islamic Law Studies*: Vol. 1 : No. 3 , Article 5.

Available at: <https://scholarhub.ui.ac.id/jils/vol1/iss3/5>

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RESPECT THE NON INTERVENTION, DISRESPECT THE HUMANITY

Uum Humairoh¹

Abstract

The non-intervention means that the equal sovereign states shall not intervene in each other's internal affairs. The non-intervention would be regarded as an equivalent of non-intervention. The countries have obligation to obey this term to avoid other country's intervention. Sometimes, it brings positive impact to the country, meaning that the country can stand alone to handle any issues, internal or external.

However, as the time goes by, this issue of non-intervention has become debatable. ASEAN, regional organization in South East Asian, has used this term as basic principle to run the organizational function. ASEAN cannot be involved in the country members' business. It will be different if the organization is encountered with human right issue. This paper will discuss how this basic principle of ASEAN faces various conflicts. This principle has made ASEAN not to be able to take any action regarding the human rights issue.

The human violence suffered by Rohingya society in Myanmar has become challenge which must be solved together. ASEAN, as the supreme organization in South East Asian, is expected to find solutions for this issue.

Keywords: Rohingya, Refugee, Myanmar, ASEAN, Indonesia, Non-Intervention.

¹ International Relation, Islamic State University. E-mail: umhumairoh@gmail.com
Centre of Islam and Islamic Law Studies
Lembaga Kajian Islam dan Hukum Islam
Faculty of Law, Universitas Indonesia

The Non Intervention as ASEAN Principle

The term of non-intervention' were established by the Treaty of Westphalia in 1648 and the principle based on the notion of equality of sovereign states in international systems. The concept of state sovereignty defines that no sovereign may exercise authority in the domain of another. That means within the territory of a political entity, the state is the supreme power, and as such no state from without the territory can intervene, militarily or otherwise, in the internal politics of that state. The non-intervention is defined that "governments can attempt to influence each other's behavior only through established diplomatic channels".² On that time, diplomacy is the only way to seek solution between states to state to reach each interest.

ASEAN founded in 1967, ASEAN has grown in both membership and importance in the Southeast Asia region and internationally. Its primary mandate was to establish greater economic, political, and cultural contacts among its member countries. The five founding members of ASEAN (Thailand, Indonesia, Malaysia, Singapore, and the Philippines) believed that, like many other international organizations, functional structural integration would facilitate enhanced regional economic prosperity and security cooperation.³ By having similar cultures, languages and neighboring land, ASEAN is believed able to accommodate its members' interest.

Despite aiming at accommodating its members' interest, ASEAN has committed not to intervene with their business. The principle was first lined out in ASEAN's foundation document, the Bangkok Declaration, issued in 1967. The Bangkok Declaration expressed that the member-states are determined to prevent external intervention in order to ensure domestic and regional stability. Then, the principle was further reinforced in the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC), in which the principle of non-intervention in members' internal affairs was explicitly referred to as one of the association's fundamental principles.⁴

In ASEAN Charter announced in 2007, ASEAN reaffirmed its intention to "respecting the fundamental importance of amity and cooperation, and the principles of sovereignty,

² Nguyen Duc Tuyen, "The Future Evolvement Of The Principle Of Non-Interference?", Diplomatic Academy of Vietnam.

³ Ann Jung, "ASEAN and the South China Sea: Deepening Divisions," *The National Bureau of Asian Research*, July 2012, <http://www.nbr.org/research/activity.aspx?id=262>. In Logan Masilamani and Jimmy Peterson, "The ASEAN Way" : The Structural Underpinnings of Constructive Engagement."

⁴ Stubbs, R. "The ASEAN alternative?: Ideas, institutions and the challenge to 'global' governance", *The Pacific Review*. In Mieke Molthof, "ASEAN and the Principle of Non-Interference", Feb 8 2012.

equality, territorial integrity, non-intervention, consensus and unity in diversity;” at the Preamble. At Article 2, ASEAN reaffirms to adhering to fundamental principles, including; respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States; renunciation of aggression and of the threat or use of force or other actions in any manner inconsistent with international law; non-intervention in the internal affairs of ASEAN Member States; and respect for the right of every Member State to lead its national existence free from external intervention, subversion and coercion;⁵

The non-intervention principle cannot be separated from history where China, which adopts communism, tried to spread it to Southeast Asian by causing conflict. Therefore, a country needs to maintain the stability by avoiding foreign influences from entering the country. The other reason is that a country’s stability has become main priority of internal security.⁶

ASEAN’s Inconsistency

Although non-intervention has become the basic principle to drive the organizational function, ASEAN still show that the action was inconsistency. It prove when ASEAN make the policy to country members’ business.

The Vietnam’s intervention in Cambodia in the late 1970s that blocked the Khmer Rouge regime in its genocidal campaign. ASEAN even set out to organize international protest against Vietnam’s intervention. It is therefore to be doubted

whether the inconsistent application of the principle has necessarily undermined the principle’s function as a guiding for ASEAN’s conduct in regional affairs.⁷

In 1999, ASEAN leaders again showed their support to Indonesian president Wahid by affirming their “respect for the sovereignty and territorial integrity of the republic of Indonesia” and “support for the efforts of president Wahid towards a peaceful settlement of the situation in Aceh.”⁸

⁵ Nguyen Duc Tuyen, “The Future Evolvement Of The Principle Of Non-Interference?”, Diplomatic Academy of Vietnam.

⁶ Katsumata, H. “Reconstruction of diplomatic norms in Southeast Asia: the case for strict adherence to the “ASEAN way”. *Contemporary Southeast Asia*, 2003. In Mieke Molthof, “ASEAN and the Principle of Non-Interference”, Feb 8 2012.

⁷ In Mieke Molthof, “ASEAN and the Principle of Non-Interference”, Feb 8 2012.

⁸ “Chairman’s Press Statement on ASEAN 3rd Informal Summit”, Manila, Philippines, 28th November 1999. In Nguyen Duc Tuyen, “The Future Evolvement Of The Principle Of Non-Interference?”, Diplomatic Academy of Vietnam

ASEAN also issued a series of collective responses to Myanmar calling for “the release of those placed under detention”⁹ and urging the military junta in Yan-gon to “continue to work with the UN in order to open up a meaningful dialogue with Daw Aung San Suu Kyi”.¹⁰ ASEAN’s inconsistency shows that the non-inter-vention principle can be adjustable. However, not all ASEAN members are willing to issue required policies to address this inconsistency although they know it is classified as an intervention.

Discriminations in Myanmar

Myanmar is country suffering from human rights issue. The government’s discrimination against Rohingya society as the minority has gained so much attention from the public. It can be seen in May 2015, when Indonesia and Malaysia decided to provide humanitarian assistance to 7000 irregular migrants who were floating on the sea. Both countries gave shelter for one year. Meanwhile, Thailand followed them by providing humanitarian assistance for Rohingya society.¹¹

This aid from the neighbor countries would not solved the conflict in Myanmar. There should be another way to solve the root cause. Rohingya’s flee from Myanmar was supported by the smugglers who took advantages from their payment. In any case, their stateless status was gained due to discrimination in their own country.

Rohingya, including enforced birth control, a two-child limit, marriage restrictions, restrictions on movement, and invasive monitoring and security checks. Rohingya in Myanmar had temporary citizenship documents referred to as “white cards” to vote in a planned referendum on constitutional amendments, popular outrage and public demonstrations.

In 2012, ethnic Rakhine mobs targeted Rohingya and other Muslim communities with waves of violence. Hundreds were killed, and many homes and businesses were destroyed. In June, government authorities destroyed mosques, conducted violent mass arrests, and blocked aid to displaced Muslims. After the violence in 2012, approximately 140,000 people, mostly Rohingya, were displaced from their homes and relocated to squalid camps for displaced persons. After live on camps, Rohingya also got discriminatory restrictions on freedom of movement for internally displaced Muslims remain in place, severely impacting access to health care, food, water and sanitation, as well as education and livelihoods.¹²

⁹ ASEAN Secretariat, “Chairman’s Statement of the 11th ASEAN Summit: One Vision, One Identity, One Community”, Kuala Lumpur, 12th December 2005

¹⁰ ASEAN Secretariat, “Chairman’s Statement of the 13th ASEAN Summit: One ASEAN at the Heart of Dynamic Asia”, Singapore, 20th November 2007

¹¹ How to Solve Southeast Asia’s Refugee Crisis

¹² Myanmar’s Muslim Minority: The Plight of the Rohingya. Russell Raymond

ASEAN Policy to Rohingya

ASEAN has mission to reach stability on Southeast Asian region. It means that, ASEAN has responsibility to protect the country and society circumstance from conflict. We see Myanmar that joined on ASEAN July 23,1997. In this case, ASEAN has taken few steps to address human rights concerns in the vast region of 600 million people. In a charter adopted in 2007, ASEAN countries committed to uphold international law and human rights but insisted they would not interfere in each other's internal affairs.¹³

ASEAN itself has remained silent on the plight of the Rohingya and on the growing numbers of asylum-seekers in member countries largely because of the organization's commitment to the fundamental principle of non-intervention in the internal affairs of member-states.¹⁴ Its true when some media said that ASEAN was 'toothless' and 'paralyzed' to accommodate Rohingya as people who really need protection.

In other hands, as former ASEAN Secretary-General Surin Pitsuwan admitted, ASEAN cannot press Myanmar on the citizenship issue, although it can and should do so regarding the humanitarian aspect of the situation. He further explained that if an ASEAN Member State says these people are not its citizens, the regional organization effectively bars itself from responding to the Rohingya issue.¹⁵ We see before, how ASEAN gave the intention with protest to Cambodia that suffered by Vietnam against. It emerge the big question, why ASEAN keep silent on Rohingya issue?

ASEAN as Regional Organization to Conflict Management

ASEAN has long history in solving dispute in the surrounding area. Since its establishment, the country members' are committed to make ASEAN as the key to various solutions, such as The ASEAN Intergovernmental Commission on Human Rights (AIHCR), established in 2009. Seeing various steps taken by ASEAN, it is possible for the organization to solve the conflict between Rohingya and Myanmar, as long as the solution didn't break the non-intervention principle.

¹³ Rohingya crisis highlights toothless nature of ASEAN, May, 20, 2015

¹⁴ Eleanor Albert, "The Rohingya Migrant Crisis", June 17, 2015. <http://www.cfr.org/burma/myanmar/rohingya-migrant-crisis/p36651>

¹⁵ Julio S. Amador III and Joyce A. Teodoro, "*Protecting the Stateless: Proposing an ASEAN response to the Rohingya*", July 08, 2015

Refugees will directly effect on security stability, because country will face the people smuggling and human trafficking. It proves that how solution really needs to achieve. Beside the security, refugees also give impact on economic field. As developing countries, ASEAN member will get some cost when the government makes the policy to give humanitarian assistance.

We take European Union (EU) as an example. It has similar functions and roles as regional organization. However, the actions taken by ASEAN cannot be compared with those taken by the EU. When a similar migrant crisis emerged in the Mediterranean, the European Union was quick to response. Within a month of Italy's call for help, the European Commission had announced plans to distribute asylum seekers among member countries to ease the surge along the coasts of Italy, Greece and Malta. Even as discussions continue, so does action on the ground, in contrast with ASEAN.

Even though Indonesia, Malaysia and Thailand as ASEAN country members' provide the humanitarian assistance for the refugees who were floating on the sea, it didn't show the progress to decrease the problem. The policy to protect and assist the refugees and stateless were not seen as significant issues.

See the organizational principle and the inconsistency that shown by ASEAN were proved that the non-intervention principle was not strength enough as expected. Therefore, this principle has not be obstacle by ASEAN to running the function, even as an organization but also represented by the country members' to give action to Myanmar. Furthermore, ASEAN need to embrace the Myanmar government to talk and discuss about Rohingya toward. ASEAN can used the diplomacy solution to find the key to resolve the problem.

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